IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.414 OF 2005

Runwal Towers Co-op.Hsg.Soc.Ltd. Appellant

Vs.

Runwal Estates Pvt.Ltd. & anr. Respondents

Mr.N.V.Walawalkar with Mr.M.M.Shetty for appellants.
Mr.Y.K.Tiwari i/b M/s.Kanga & Co. for Resp.no.1.

CORAM: B.H.MARLAPALLE,J.
June 14, 2005.

ORAL ORDER:

1. Heard Mr.Walawalkar, learned counsel for the appellant. The impugned order dated 16-2-2005 is an ad-interim order passed in Notice of Motion filed in L.C.Suit No.709 of 2005 immediately on its presentation. The said Notice of Motion has been registered now as Notice of Motion No.689 of 2005 and by the impugned order ad-interim injunction in terms of prayer clauses (a) and (b) was granted.

2. As per the instructions received by Mr.Walawalkar the Notice of Motion is listed today before the Court below and the appellants' reply to the Notice of Motion would be placed on record. It would be, therefore, expedient that the Notice of Motion itself is heard and decided on its own merits

expeditiously rather than entertaining the proceedings against the ad-interim order and more so when the undertaking given by the appellants has been recorded by this Court on 5-5-2005.

3. This appeal is, therefore, disposed off by directing that the Notice of Motion No.689 of 2005 filed in L.C.Suit No.709 of 2005 be heard and decided on its own merits as expeditiously as possible and in any case within a period of two months from today and in the mean while the following undertaking given by the appellants would operate:

> "The appellants will not make any construction about which there is any apprehension of respondent no.1 and there will be no injunction against the appellants in using the open space."

In addition it is directed that the status quo in respect of the possession of the suit property as on the date of the impugned order so passed shall continue and, therefore, the impugned order would stand stayed.

4. The appeal is disposed off in terms of the above directions.

5. Writ to be sent forthwith.

(B.H.MARLAPALLE,J.)